

RIFLE CITY COUNCIL MEETING

Wednesday, December 7, 2011

REGULAR MEETING

7:00 p.m. * Council Chambers

A regular meeting of the Rifle City Council was called to order at 7:00 p.m. by Mayor Jay Miller.

PRESENT ON ROLL CALL: Councilors Alan Lambert, Rich Carter, Keith Lambert, Jonathan Rice, Jen Sanborn, Randy Winkler, and Mayor Jay Miller.

OTHERS PRESENT: Matt Sturgeon, Assistant City Manager / Director of Planning; Lisa Cain, City Clerk; Jim Neu, City Attorney; Jim Bell, Channel 10 Manager; Michael Churchill, Channel 10 Assistant Manager; Charles Kelty, Finance Director; Dick Deussen, Utilities Director; Daryl Meisner, Police Chief; and Sally Brands.

CONSENT AGENDA - APPROVE THE FOLLOWING ITEMS:

- A. Minutes from the November 16, 2011 Regular Meeting
- B. Liquor License Renewals: Shale Country Liquors; Nacho's Mexican Dining LLC
- C. October Sales Tax Report
- D. Accounts Payable

Councilor A. Lambert moved to approve Consent Agenda Items A, B, C, and D; seconded by Councilor Rice.

Roll Call: Yes – A. Lambert (abstaining as to Item A), Carter (abstaining as to Item D), Sanborn (abstaining as to Item A), Winkler (abstaining as to Item D), K. Lambert, Rice, Miller

CITIZEN COMMENTS AND LIVE CALL-IN

There were no citizen comments or live call-ins.

CONSIDER ADOPTING 2012 BUDGET

Finance Director Charles Kelty presented the following items connected to adopting the 2012 budget:

- Resolution No. 15, Series of 2011, adopts the 2012 Budget.
- Ordinance No. 17, Series of 2011, provides for the annual appropriation.
- Resolution No. 16, Series of 2011, certifies the mill levy.

Councilor K. Lambert moved to approve Resolution No. 15, Series of 2011; approve Ordinance No. 17, Series of 2011, as presented and order it to be published in full as required by Charter; and approve Resolution No. 16, Series of 2011; seconded by Councilor A. Lambert.

Roll Call: Yes – A. Lambert, Carter, K. Lambert, Rice, Sanborn, Winkler, Miller

CONSIDER APPROVING 2011 SUPPLEMENTAL BUDGET

Mr. Kelty presented the following items connected to approving a supplemental 2011 budget:

- Resolution No. 17, Series of 2011, amends the 2011 Budget.
- Ordinance No. 18, Series of 2011, approves a supplemental appropriation.

These items would amend the following funds: General Fund, Economic Development Fund, Capital Fund, Information Center Fund, and Parks and Recreation Fund.

Councilor A. Lambert moved to approve Resolution No. 17, Series of 2011; approve Ordinance No. 18, Series of 2011, as presented; and order Ordinance No. 18, Series of 2011, to be published in full as required by Charter; seconded by Councilor Sanborn.

Roll Call: Yes – A. Lambert, Carter, K. Lambert, Rice, Sanborn, Winkler, Miller

CONSIDER AMENDING UTILITY RATES – ORDINANCE NO. 19, SERIES OF 2011 – FIRST READING

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING APPENDIX A TO THE RIFLE MUNICIPAL CODE TO INCREASE CERTAIN WATER AND SEWER RATES

Council considered proposed Ordinance No. 19, Series of 2011, which would, effective January 1, 2012, increase water user fees by 5 percent. Rates for users outside the City limits would still be 200 percent of in-City rates, and senior citizens would still receive a 20 percent discount. The flat fee for sewer service would increase to \$36.92 per month, with charges for water use in excess of 4,000 gallons per month increasing by 5 percent. Also, the automatic annual rate escalation percentage would increase to 5 percent, from the current 4.6 percent.

Councilor K. Lambert moved to approve Ordinance No. 19, Series of 2011, on first reading as presented and to order it to be published by title as required by Charter; seconded by Councilor Rice.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller

CONSIDER RAW WATER PIPELINE REDESIGN FOR THE NEW WATER TREATMENT PLANT

Utilities Director Dick Deussen informed Council that the Colorado Department of Transportation (CDOT) is requiring the City to prepare an alternative design for the alignment of the raw water pipeline for the new water treatment plant. He requested that Council authorize the City's consultant, Malcolm Pirnie, to perform the design work for an amount not to exceed \$26,500.

Councilors were frustrated that CDOT was requiring the alternative design, despite the City's discussion with CDOT about the original design, the City's completion of the original design, and CDOT's issuing an access permit based on the original design. Staff noted that the alternative design would save the City a substantial amount of money, compared to the original design.

Councilor A. Lambert moved to authorize Malcolm Pirnie to prepare an alternative design for the alignment of the raw water pipeline for an amount not to exceed \$26,500; seconded by Councilor Carter.

Roll Call: Yes - Carter, A. Lambert, Rice, Sanborn, Winkler, Miller. No - K. Lambert.

CONSIDER AWARDING CONTRACTS FOR MECHANICAL, ELECTRICAL, PLUMBING, AND STRUCTURAL ENGINEERING SERVICES FOR THE NEW UTE THEATRE

Council reviewed the results of a request for proposals for mechanical, electrical, plumbing, and structural engineering services for the New Ute Theatre. Assistant City Manager / Director of Planning Matt Sturgeon recommended that Council award the contract for mechanical, electrical, and plumbing engineering services to Bighorn Consulting Engineers in an amount not to exceed \$11,750, and the contract for structural engineering services to Kaup Engineering Inc. in an amount not to exceed \$22,000.

Councilor Rice moved to award the contract for mechanical, electrical, and plumbing engineering services for the New Ute Theatre to Bighorn Consulting Engineers in an amount not to exceed \$11,750; and the contract for structural engineering services for the New Ute Theatre to Kaup Engineering Inc. in an amount not to exceed \$22,000; seconded by Councilor Winkler.

Roll Call: Yes – Carter (abstaining), A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller

CONSIDER AGREEMENT WITH CHURCH FOR SHARED USE OF PARKING LOT

Sally Brands was present on behalf of St. Mary Catholic Church. City Attorney Jim Neu and Police Chief Daryl Meisner recommended that Council approve an agreement to share use of the cemetery shed parking area with St. Mary Catholic Church. The church wishes to use the parking area for large events or funerals, and it estimates that this would take place four to six times per year. Councilors discussed amending the agreement to require the church to notify the City when funerals were scheduled, as they might interfere with the use of the area for cemetery maintenance during City business hours.

Councilor Sanborn moved to approve the License Agreement for Shared Use of Rose Hill Cemetery Maintenance Parking Area as amended; seconded by Councilor K. Lambert.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller

CONSIDER AMENDING PERSONNEL MANUAL – RESOLUTION NO. 18, SERIES OF 2011

City Clerk Lisa Cain listed the following changes that staff recommended making to the Personnel Manual:

- make benefits available on a prorated basis to those employees who are regularly scheduled to work at least thirty-two hours a week, rather than the current twenty hour minimum
- reduce premium coverage and City contributions to health reimbursement arrangements and health savings accounts for employees hired after January 1, 2012
- allow laid off employees, as opposed to employees who voluntarily terminate their employment, to have the benefit of restoring their prior years of service
- revise the Equal Employment Opportunity statements to reflect the most current anti-discrimination laws

Proposed Resolution No. 18, Series of 2011, would make these changes.

Councilor Rice moved to approve Resolution No. 18, Series of 2011; seconded by Councilor Carter.

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller

DISCUSS RECYCLING WITH GARFIELD COUNTY COMMISSIONERS

Council had anticipated that one or more of the Garfield County Commissioners, or another representative of Garfield County government, would be present to discuss issues related to the City's closing of its Recycling Center. No Commissioner or County representative was present, so Council will schedule this discussion on a future agenda.

ADMINISTRATIVE REPORTS

Council will meet in a workshop session with the Rifle Area Chamber of Commerce Board of Directors on December 14 at 6 PM. Staff will invite the Visitor Improvements Fund Advisory Board to the workshop.

Council's consensus was to start its December 21 regular meeting at 6 PM, instead of at 7 PM.

Mr. Neu had cautioned Councilors earlier about discussing with members of the community the pros and cons of a liquor license at the Rifle Creek 7 Theatre, because considering a liquor license application is a quasi-judicial

matter not to be discussed outside of a public hearing on the application. Before the Rifle Creek 7 Theatre could apply for a liquor license, however, the Council would have to amend the Municipal Code with respect to liquor-licensed establishment restrictions. Such a code amendment would be a legislative matter, not a quasi-judicial matter. Therefore, Councilors could discuss the pros and cons of such an amendment with members of the community outside of a Council meeting.

COMMENTS FROM MAYOR AND COUNCIL

Councilor Sanborn encouraged everyone to enjoy the holiday season.

Councilor A. Lambert is looking forward to the opening of the Rifle Creek 7 Theatre on December 16.

Mayor Miller noted that today was Pearl Harbor Day. He reminded the community that the servicemen who died at Pearl Harbor did not die in vain, as Council is still free to be at tonight’s Council meeting and provide services for the community.

EXECUTIVE SESSIONS

EXECUTIVE SESSION FOR A CONFERENCE WITH THE CITY ATTORNEY FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER CRS 24-6-402(4)(B); FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS, DEVELOPING STRATEGY FOR NEGOTIATIONS, AND/OR INSTRUCTING NEGOTIATORS, UNDER CRS 24-6-402(4)(E); AND TO DISCUSS THE PURCHASE, ACQUISITION, LEASE, TRANSFER, OR SALE OF REAL, PERSONAL, OR OTHER PROPERTY INTEREST UNDER CRS 24-6-402(4)(A)

and

EXECUTIVE SESSION FOR DISCUSSION OF A PERSONNEL MATTER UNDER CRS 24-6-402(2)(F) AND NOT INVOLVING: (1) ANY SPECIFIC EMPLOYEES WHO HAVE REQUESTED DISCUSSION OF THE MATTER IN OPEN SESSION; (2) ANY MEMBER OF THIS BODY OR ANY ELECTED OFFICIAL; (3) THE APPOINTMENT OF ANY PERSON TO FILL AN OFFICE OF THIS BODY OR OF AN ELECTED OFFICIAL; OR (4) PERSONNEL POLICIES THAT DO NOT REQUIRE THE DISCUSSION OF MATTERS PERSONAL TO PARTICULAR EMPLOYEES

Councilor Carter moved to adjourn to executive session to receive legal advice, discuss negotiations, discuss property interests, and discuss personnel matters; seconded by Councilor Sanborn (8:19 p.m.).

Roll Call: Yes - Carter, A. Lambert, K. Lambert, Rice, Sanborn, Winkler, Miller

Upon return to open session following conclusion of the executive session, meeting adjourned at 9:15 p.m.

Lisa H. Cain
City Clerk

Jay D. Miller
Mayor